

CHILD CARE LICENSING COMMITTEE MEETING
Cannon Health Building, Room 125
9:00 a.m., October 26, 2000

Members Present: Chris Chytraus; Joyce Hasting; Tracy Halverson; Marilyn Macumber; Gina Brock; Deborah Tilley; Samuel Nielsen; Mary Ogan; Gayle Anderson; and Mavy Ghavim.

Staff Present: Deb Wynkoop; Pennie Knudson; David Eagar; Joel Hoffman; Wendee Pippy; Keri Burr; Rebecca Emerson; Donna Thomas; Sue Kirkham; Colleen Fitzgerald; Rosemary Vander Meyden; Tami Bennett; Sheila Oelerich; Kimberly Fuit; Rachael Waller; Joan Isom; Iona Thraen; Doug Springmeyer; and Dr. Scott Williams.

Members Excused: Sarah Croskell; and Chris Bray.

1. **Welcome:**

Ms. Hastings called the meeting to order at 9:13. Ms. Wynkoop introduced the two new licensors, Kimberly Fuit and Rachael Waller. The three new Child Care Advisory Committee members, Gayle Anderson, Chris Chytraus and Mavy Ghavim introduced themselves.

2 **Child Care Center Rules:**

Ms Hastings stated that the Bureau will still accept written comments on the draft rule. Iona Thraen explained her role in the Health Department and the process that Doug Springmeyer, Legal counsel for the Department of Health, Dr. Scott Williams, Deputy Director of the Department of Health, and herself completed to develop the rule changes. She explained the role of the Administrative Rules Review Committee and their position concerning volunteers, and how the administrative rules committee define the Bureau's scope (health and safety of the child) of work. These child care center rules must accurately represent the scope that the Administrative Rules Committee has defined for us.

Ms. Thraen explained the rule changes and the justification. (See Attached)

Ms. Macumber questioned why the A person@ was eliminated from R430-100-7.

Ms. Thraen

Ms. Hasting expressed concern that CPR and First Aid would be done over the Internet and that she felt like the hands on training was the most important part. Ms. Wynkoop clarified that much of the CPR and First Aid course work can be done over the Internet, but the hands on test must be done to complete the training. Ms. Thraen replied that she believes the issue is how do we judge practice, and how does a person after he or she has learned the information get to a point where they can apply it. She stated that she would have to do more research in this area.

Ms. Hasting questioned R430-100-8 and the elimination of the physical examination. She explained that her center is an accredited kindergarten and many of the children go from her facility directly to public school. She is fearful that if a physical examination is not required, the schools will not catch that this was missed. Ms. Wynkoop explained that Ms. Hasting's facility will fall under the school rules for an accredited kindergarten programs and that a physical examination is required by law. She also stated that the rules are the minimum standards and that there are no required assessments for a child with special health needs.

Ms. Chytraus expressed concerns about children's medication not being listed on the health assessment. . Ms. Wynkoop suggested that A medications that a child is on@ could be added under the heading A routine daily care@ on page 10.

Ms. Hasting stated that group size for infants was not on the chart. Ms. Wynkoop stated that it had been left off of the chart in error and will be put back on. Ms. Tilley stated that she had received many phone calls concerning this particular topic. She would like the words added A group size not to exceed for more than two hours at a time.@ Mr. Nelson, Tender Touch Child Care Center, stated that when his center has an activity or special program, the children maintain their ratios during the program. Each teacher remains and maintains control of the children for which they are responsible. Ms. Thraen stated that she would research this item further.

Ms. Ginger Wooley, Adventure Times and Stepping Stones, expressed concern for the rules dealing with outdoor water, sanitizing of the toys, hand washing and having a care giver with CPR and First Aid in the van while transporting children. Ms. Thraen stated that if bottled water was provided the intent of the rule to keep children hydrated would be met. Ms. Ghavim stated that her center purchased nylon net bags and dips the toys in sanitizer from inside these bags.

Ms. Julie Dolan, Office of Education, expressed her concern for signatures missing on the enrollment document, the sign in and sign out procedure, clarification who the A department@ is in the section that states: A menus shall be department approved or approved by a registered dietician.@ Ms. Wynkoop clarified that a signature is necessary on the transportation form and the medication release form. Ms. Hastings stated that it is the intent of the rule that all children should be signed in and out by an adult.

Dr. Williams stated that the Department of Health does provide pre-approved sample menus, but will not provide free consultation with a dietician.

Joan Nichol, UPCCA, stated that having water available on the playground when the outside temperature exceeds 80 degrees would clarify the outside water question. She also stated that all exemptions that are given to a facility, should remain with the facility not the program when there is a change of ownership. Ms. Nichol would like to allow crib space to count as part of the play space. Ms. Wynkoop stated that the only way an exception could go with the building would be that the new owners would have to adopt the existing policies and procedures. The license would have to be uninterrupted, but, even so, the center may have to deal with the requirements of other agencies. Ms. Hastings expressed concern that if the crib space counted as part of the 35 square feet, the child may be left in the crib all day. Ms. Thraen stated that they would re-look at the intent of the rule.

Connie Millikin, ABC Preschool, expressed concern about stationary walkers being added into play space. She provided statistics regarding the decrease number of child care slots. (See Attached)

Ms. Ogan stated that she did not want to lower the child care standards, just to add more child care slots, we need to look at other alternatives.

Ms. Macumber stated that she had reviewed the document that Ms. Millikin had provided and was amazed at how many vacancies were shown. She requested that the whole document, AQuality Child Care and Accessibility@, should be attached to the minutes.

Ms. Anderson questioned the removal of the words Abinding and tying@with reference to rule R430-100-17. Ms. Wynkoop stated that the words would be added and that Ms. Thraen would re-look at this section.

Ms. Ogan asked if part of the mandatory training concerning managing children-s behavior could be at least one hour annually.

Dr. Williams stated that they would take the input from the committee meeting and amend the Draft #3 rule based on the information received today.

Mr. Springmeyer stated that if there is a section of the draft rule that has the complete consensus of the committee, then that section could be passed through Administrative Rule, or the committee could wait until all of the rules have reached consensus and then file the rule amendment.

Ms. Thraen proposed that the committee meet within the next few months to review the proposed rule again. She expressed concern that if we Apiecemeal@the rule out, there are parts that will get lost and providers will not know which rule is being enforced.

Ms. Wynkoop stated that we have been working on the Child Care Center Rules since May of 1999. She explained that the 35 square feet requirement has been in the rule since 1991 and that we could come up with some creative ways to look at this. She asked that

interested parties address their comments on Draft #3 by the section they wish to comment on and deliver the comments within two weeks to the Bureau of Licensing. Mr. Springmeyer stated that this is not the formal 30-day comment period, but just a consensus-building period.

Ms. Hasting explained that these rules are still in draft form and not the rules being enforced.

3. Issue Paper on Volunteers (R430-6):

The Bureau was asked by providers to ensure that volunteers would be exempt from having background screening if they were used one or fewer times per month to encourage volunteerism in our programs and special activities. Ms. Wynkoop explained that the definition of volunteer was added to the background-screening rule. Volunteers did not count in child to staff ratios and they did not need back ground screening. She explained that the question arose whether a facility could use a volunteer as part of their child to care ratio and that research had been done examining different states=rules on volunteers.

Ms. Wynkoop questioned that if volunteers are used, what kind of criteria should a volunteer need to have, as a minimum, to count in ratios; and could we use volunteers if there is an emergency for a time limited situation?

Ms. Ghavim questioned whether facilities could use youth from the age 12-16 in the summer as volunteers if the youth volunteers were under adult supervision at all times?

Ms. Wynkoop stated that these youth would not be eligible for a background screening.

Mr. Springmeyer stated that if a volunteer does not count in the child to care ratio, is not paid, and is under constant supervision; then the individual does not need a back ground check. He also stated that the rule had been clarified to state that parent exemption in BCI only applies to parents who do not have unsupervised contact with other children. He explained that emergency plans need to deal with foreseeable emergencies. He stated that the Department would give infrequent and irregular exclusions for emergency volunteers or care givers that will sign that they are free from felony or misdemeanor convictions.

A copy of the proposed change will be distributed at the next Child Care Licensing Advisory Committee Meeting.

4. Approval of Minutes:

A motion was made by Ms. Ogan to approve the April 20, 2000 minutes with no additions or amendments. Ms. Brock seconded the motion. The **MOTION PASSED** unanimously.

5. By-Laws:

Ms Pippy stated that the statute had been changed, therefore, the by-laws were changed to reflect the change in the statute. (See Attached)

A motion was made by Ms. Chytraus to approve the by-laws. Ms. Macumber seconded the motion. The **MOTION PASSED** unanimously. Julie Dole stated that on page two

the word should be ~~Aone~~ and not ~~Aon~~. Ms. Pippy said that she would fix it and send out copies to the committee.

6. Licensing Sanctions:

Ms. Knudson reported on the Northern Region Sanctions. Mr. Hoffman reported on the Central Region Sanctions. Mr. Eagar reported on the Southern Region Sanctions. (See attached chart on License Sanctions/Action.)

7. Check off Sheets:

Ms. Wynkoop explained the check off sheets and that they can be used as a self survey. The highlighted areas are focused on during the provisional or pre-license surveys.

8. Intakes on Complaints:

Ms. Ogan questioned whether the Bureau could acknowledge those facilities that do not have any complaints. Ms. Tilley stated that she has an issue with the complaint process because she has one center that has no complaints and another center with six. She continued to state that these unsubstantiated complaints have been used against her. Ms. Hastings stated that she appreciated the appeal process. Ms. Tilley stated that she did not appreciate that process and that she was as far as the administrative laws judge. Ms. Wynkoop stated that she was not allowed to discuss this matter because it is in litigation. Ms. Wynkoop explained that the complaints are divided into three categories, which are: 1) Substantiated complaint; 2) unsubstantiated complaint; and 3) without merit. A certificate of appreciation is issued in May annually to facilities without substantiated complaints and a low number of deficiencies.

9. Other Business:

Ms. Tilley stated that she had talked to Administrative Rule Committee, the Interim Committee for Health and Human Services and the Interim Committee for Work Force Services concerning the annual inspection being unscheduled. Ms. Tilley questioned whether the unannounced visit is in the statute or Administrative Rule? She stated that these visits cause jeopardy to children. Ms. Hastings stated that this issue had been discussed about a year and a half ago and that the committee had come to a consensus that the surveys would be unannounced. She stated that she liked the unannounced surveys. Ms. Wynkoop explained that as part of the protocol, the licensor will leave the facility if the owner/ director asks them to leave for doctor's appointment, etc. Ms. Tilley stated that the surveys sometimes take three to four hours.

Mr. Hoffman stated that the average amount of time that a survey takes is about two hours depending on the size of the center and the number of deficiencies that the licensors find. He stated that when there is a large facility, two licensors will do the survey to expedite the survey process.

Tracy Halverson made a motion to adjourn the meeting. Gina Brock seconded the motion. The **MOTION PASSED** unanimously. The meeting adjourned at 12:15.

Our next meeting will be on December 13, 2000, from 9:00 - 12:00, room 125.

Joyce Hastings, Chairperson

Debra Wynkoop, Executive Secretary